

REMARKS

Claims

Claims 11-23 were presented for examination and were pending in this application. In an Office action dated February 8, 2006, claims 12-17 were allowed and claims 11 and 18-23 were rejected. Applicants thank Examiner for allowance of claims 12-17 and address Examiner's comments with respect to claims 11 and 18-23 below.

Applicants herein amend claims 11 and 18-21 and cancel claim 23. No new claims are added. These changes are believed not to introduce new matter, and their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections and withdraw them.

Response to Claim Rejections

In Section 6 of the Office action, Examiner rejected claims 11 and 18-23 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (U.S. Patent No. 6,393,480) in view of Bechtolsheim et al. (U.S. Patent No. 6,956,852). This rejection is respectfully traversed.

Claim 11 has been amended to positively recite in the claim body what was previously recited in the preamble. Claim 11 as amended recites a method to analyze network performance, comprising:

generating a flows report to monitor a given flow, the given flow having one or more frames that are sent from a sending node to a receiving node, the flows report comprising:

a data payload bytes attribute indicating a sum of the payload bytes for the frames in the flow, and

a data frames attribute indicating a number of frames having data in the flow. (emphasis added)

The claimed invention provides a method for analyzing network performance according to a flows report that describes aspects of a given flow having a frame or frames traveling from a sending to a receiving node. The flows report includes attributes that characterize aspects of the given flow.

The claimed invention is patentably distinguishable over the cited references. For example, Qin discloses a method that “provides an estimate of application performance in a second network given performance characteristics of the application in a first network” (Qin, Abstract). Qin further discloses a “visual thread diagram” that “shows descriptive information for each of a number of threads, including the thread name 118, server node 119, client node 120... [,] average thread size, number of turns, ... start time, and duration...” (Qin, column 5 lines 44-59). The Bechtolsheim invention comprises a method and apparatus for encoding and decoding GX packet data. (Bechtolsheim, Summary of the Invention). Bechtolsheim discloses a communications interface that divides data into lanes, each encoded with clocking information, serialized, and sent to an interface having variable clock rate. (Bechtolsheim, Abstract).

However, the claimed invention discloses generating a flows report to monitor a given flow, the given flow having one or more frames that are sent from a sending node to a receiving node, the flows report including a data payload bytes attribute indicating a sum of the payload bytes for the frames in the flow and a data frames attribute indicating a number

of frames having data in the flow. These features are not disclosed in Qin or Bechtolsheim. Thus, Applicants respectfully submit that a prima facie case of obviousness has not been established, and that for at least this reason amended claim 11 is patentably distinguishable over the cited reference.

Claim 18 as amended recites a method of monitoring network performance when executing a task, the method comprising, *inter alia*:

displaying a first processing time period corresponding to a first node in the network, the processing time period comprising attributes having ... a processing type... comprising one of:

- processing prior to a first data frame within a thread sent by a client,
- ... prior to a subsequent request within a thread is sent by the client,
- ... from a last data frame to an end of the task,
- ... prior to a first data frame in a thread sent by a server,
- ... from a time that a last frame within a thread in a request is received by the server to a time that a first response frame is returned by the server,
- ... from a time that a first server processes after receiving a request from a lower tier until the first server begins sending a subsequent request to a second server, and
- ... from a time that the first server processes after receiving a reply from the second server until the second server begins sending its reply to a third server, the third server being a requesting node.

Unlike the cited references, the claimed invention discloses a method of monitoring network performance when executing a task, the method comprising displaying a first processing time comprising attributes having a processing type, the processing type comprising at least one of the seven types above. The most closely-related disclosure by Qin is found in column 8 lines 12-16, which discloses that "Processing time 303 represents the

time taken at Node B for processing at each turn, and thus corresponds to the time between reception of a packet at Node B and transmission of a reply packet.” However, such time is not equivalent to any of the processing periods recited in claim 18. Neither does Bechtolsheim disclose any of the processing times recited in claim 18. Thus, Applicants respectfully submit that for at least this reason, amended claim 18 is patentably distinguishable over the cited references. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

Dependent claims 19 and 20 depend from independent claim 18 and recite additional patentable features. For example, claim 19 recites displaying additional processing times, each additional processing time corresponding to an additional node in the network. These features are distinguishable over the cited references. Claim 20 recites additional processing time attributes. These attributes, taken in the context of the features recited in Claims 18 and 19, are distinguishable over the cited references.

Claim 21 as amended recites a method of monitoring network performance when executing a task, the method comprising:

- displaying a first processing time period corresponding to a first node in the network... and
- displaying at least one additional processing time period... corresponding to at least one node in the network other than the first node;
- ...wherein each processing time period includes at least one of the following attributes:
 - a start frame representing a frame number corresponding to commencement of that processing time,
 - a description of the start frame,
 - an end frame representing a frame number corresponding to termination of that processing time, and
 - a description of the end frame. (emphasis added)

The claimed invention thus monitors network performance when executing a task by, *inter alia*, the step of displaying processing time periods that include at least a start or end frame or a description of either. The claimed invention is patentably distinguishable over the cited references. For example, Qin discloses visual thread diagrams that show exemplary thread relationships, along with start time and duration of threads. However, Qin fails to disclose the step of displaying processing time periods that include at least a start or end frame or a description of either. Bechtolsheim does not remedy the shortcomings of Qin, since Bechtolsheim also fails to disclose the step of displaying processing time periods that include at least a start or end frame or a description of either. Applicants thus respectfully submit that amended claim 21 is patentably distinguishable over the cited references. Therefore, Applicants respectfully request that Examiner reconsider the rejection of claim 21 and withdraw it.

Claim 22 depends from claim 11 and derives patentability from claim 11, in addition to reciting additional patentable features. For example, claim 22 recites a sending node attribute indicating the sending node.


Conclusion

In sum, Applicants respectfully submit that claims 11 through 22, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
Steven J. Schaffer and Jacob Weil

Date: April 10, 2006

By: 

David Varn, Agent of Record
Registration No. 53,718
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7183
Fax: (650) 938-5200
E-Mail: dvarn@fenwick.com